

REMARKS

Claims 1 – 26 remain in the application and stand rejected. Claims 2, 11, 13, 14 and 18 are amended herein. This Amendment is being filed with an authorization to charge Deposit Account No. 19-2179 for the appropriate fees for a one month extension of time. The Commissioner is further authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claims 2, 11, 13, 14 and 18 are amended to indicate that the (positioned) MS is self-locating and provides self-located signal measurements. In particular, no reference of record shows or suggests a mobile station such as a cell phone with a position location receiver, where the MS collects both location and signal strength information and forwards the collection location with collected signal strength information to a BTS as amended claims 2, 11, 13, 14 and 18 specifically recite. The amendment to claims 2, 11, 13, 14 and 18 is supported by the claims as filed and the application in general. No new matter has been added.

Essentially repeating the previous rejections, it is again asserted that claims 1, 2, 4, 5, 10 – 13, 18, 19, 21 and 22 are unpatentable under 35 U.S.C. §102(b) over U.S. Patent No. 5,095,500 to Tayloe et al.; that claims 1, 2, 4, 5, 10 – 13, 18, 19, 21 and 22 are unpatentable under 35 U.S.C. §102(e) over published U.S. Patent Application No. 2002/0009992 to Jensen; and, that claims 3 and 20 are unpatentable under 35 U.S.C. §103(a) over Jensen alone. It is also asserted again, that claims 6 – 9, 14 – 17, and 23 – 26 are unpatentable under 35 U.S.C. §103(a) over Jensen in further combination with U.S. Patent No. 6,677,894 to Sheynblat et al. The rejection is respectfully traversed.

Regarding September 26, 2005 Final Rejection (Final) of claims 1, 2, 4, 5, 10 – 13, 18, 19, 21 and 22 over Tayloe et al., which the Office action substantially repeats, the December 20, 2005 Advisory Office action (Advisory), “maintains that Tayloe teaches the claimed invention as the mobile unit location and corresponding signal quality data are passed to the base station [col. 4: lines 28-32]. Tayloe also teaches that the mobile unit location can be determined by global positioning systems [col. 3: lines 43-46].” In response to the applicants’ prior assertion that the

GPS receiver of Tayloe is in the base station, “the Examiner disagrees as the base station is stationary and would have no need to comprise a GPS receiver as its location is not changing. Therefore, the Examiner maintains that Tayloe teaches a GPS receiver in the mobile unit.”

Applicants note that Tayloe et al. specifically indicates only 3 locators 103, 108, and 113, each of which is clearly indicated as being in a base station, i.e., “each **base station** is equipped with a **locator** 103, 108, and 113 which employs **signal strength** measurements and **timing advance** techniques for **locating and tracking** the position of mobile units engaged in active calls.” Col. 3, lines 46 – 50 (emphasis added) and see Figure 1. Following the rationale of the Advisory action, since the base stations 101, 106 and 111 are stationary, there is no need for the locators 103, 108, and 113, as the base station 101, 106 and 111 locations are not changing. So, why did Tayloe et al. specifically place them there? Moreover, why didn’t Tayloe et al. show one object 100 “capable of transporting a mobile or portable radiotelephone, ... [or] mobile unit” (*Id.*, lines 27 – 28) with a GPS unit/locator? Clearly the answer to both of these questions is because the base stations are locating the mobile unit 100; and it is respectfully submitted that the mobile unit 100 does not include a locator.

Furthermore, twice Tayloe et al. provides that “each mobile unit is designed to measure the signal strength and the signal quality of the calls transmitted by the servicing and adjacent base stations, and to report this data to the servicing base station.” Col. 4, lines 28 – 32 and see also lines 8-11. If Tayloe et al. had contemplated placing GPS somewhere in object 100, that could have easily been included in at least one of the two instances of this passage. Yet, even though Tayloe et al. provides a detailed description of the base stations 101, 106, 111 triangulating to determine mobile unit location (e.g. col. 3, lines 46 – 66), there is nothing in either instance to even hint that the Tayloe et al. mobile unit 100 includes a “position location receiver” as applicants’ claim 1, for example, recites. Instead, Tayloe et al. specifically recites that “[m]onitoring is then [i.e., after reporting an initial measurement] typically a base station function which comprises collecting and correlating the received signal strength and signal quality data and comparing these parameters to expected values in order to determine their validity.” Col. 4, lines 32 – 36. Thus, it is plain from the Tayloe et al. written description and accompanying figures that, if Tayloe et al. is using GPS receivers, the Tayloe et al. GPS

receivers are locators 103, 108, and 113 located in base stations 101, 106 and 111, not in the mobile unit 100; and, the mobile unit 100 is not “c) providing measured said reception level and said located position to a base transceiver station (BTS); and d) returning to measuring step (a) at a selected time” as claim 19 recites.

Therefore, Tayloe et al. does not teach (nor suggest modifying the Tayloe et al. mobile unit to result in) self-locating mobile stations such as the positioned MS unit recited claim 1 (and in amended claims 2, 11, 13, 14 and 18) or collecting self-located signal measurements as claim 19 recites. Specifically, Tayloe et al. does not teach or suggest a wireless communications network with “a base transceiver station (BTS) in each said network cell;” and “a positioned MS unit selectively providing **located reception measurements** to said BTS, located reception measurements including a current MS unit location [and] current signal reception measurements.” Claim 1 (emphasis added). Accordingly, Tayloe et al. does not teach or suggest the present invention as claimed in claim 1 or, in any of amended claims 2, 11, 13, 14 and 18 or in any claims depending therefrom. Neither does Tayloe et al. teach or suggest “c) providing measured said reception level and said located position to a base transceiver station (BTS); and d) returning to measuring step (a) at a selected time” as claim 19 recites. Accordingly, Tayloe et al. does not teach or suggest the present invention as claimed in claims 19, 21 or 22 or in any claims depending therefrom. Reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 10 – 13, 18, 19, 21 and 22 over Tayloe et al. under 35 U.S.C. §102(b) is respectfully requested.

The Advisory “maintains that Jensen teaches the claimed invention as the mobile unit includes a GPS receiver to determine its location and then transmits this information to the network [paragraph 0014]. Jensen also teaches that the signal strength information is correlated with the location of the mobile unit [paragraphs 0018, 0036].”

However, regardless of how the Jensen location measurements are taken, those Jensen location measurements are taken independent of signal measurements. See, Jensen Figure 5. Moreover, the Jensen base stations are measuring signal strength, not the mobile units, i.e., “**received signal strength** from a plurality of mobile units is collected **at the antenna**. ... The

system then uses signal strength information to determine path loss information on the uplink signal and location information to create a database of reference points from which the system coverage quality can be determined ...” Paragraph 0011, (emphasis added). Further, “[t]he system determines path loss from a combination of the known mobile unit antenna power and the cellular unit power measured **at the cell site antenna.**” Paragraph 0013, (emphasis added). While in paragraph 0014 Jensen teaches that “handset-based wireless location systems include enhanced global positioning systems and enhanced observed time difference”, with the signal strength being measured by the Jensen BTS, there is no reason for “a positioned MS unit selectively providing **located reception measurements** to said BTS, located reception measurements including a current MS unit location [and] current signal reception measurements.” Claim 1, lines 6 – 9, (emphasis added) and see, amended claim 11, lines 9 – 11. Clearly, since the Jensen BTS measures signal strength “**at the cell site antenna,**” Jensen does not teach or suggest “c) providing measured said reception level and said located position **to a base transceiver station (BTS)**; and d) returning to measuring step (a) at a selected time” as claim 19 recites (emphasis added). Therefore, Jensen does not teach the present invention as claimed in any of claims 1, 11, or 19, or in any claims depending therefrom, e.g., amended claims 2, 13, 14 and 18. Reconsideration and withdrawal of the rejection of claims 1 – 5, 10 – 13 and 18 – 22 over Jensen under 35 U.S.C. §102(e) or §103(a) is respectfully requested.

Regarding the rejection of claims 6 – 9, 14 – 17, and 23 – 26 over Jensen in combination with Sheynblat et al., the Advisory reiterates that “Sheynblat is solely relied upon to provide evidence that providing location specific information to a mobile unit is well known and common in the art. Both references teach using GPS to locate a mobile unit and are thus combinable.” Thus, clearly, Sheynblat is not being relied upon to teach “providing located reception measurements [i.e., the measured signal and the location it was measured] to said BTS,” as recited in independent claim 1, with similar language in independent claims 11 and 19. Therefore, Sheynblat adds nothing to Jensen that was missing from Jensen (or Tayloe et al. for that matter) to result in the present invention as recited in independent claims 1, 11 and 19. Accordingly, the combination of Sheynblat with Jensen (or Tayloe et al.) does not result in the present invention as recited in claims 6 – 9, 14 – 17, and 23 – 26, which depend from claims 1, 11 and 19. Reconsideration and withdrawal of the rejection of claims 6 – 9, 14 – 17, and 23 – 26

over Jensen in combination with Sheynblat et al. under 35 U.S.C. §103(a) is respectfully requested.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the amendment to the claims and for the reasons set forth above, the applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 – 26 under 35 U.S.C. §§102(a), (e) and 103(a) and allow the application to issue.

The applicants note that MPEP §706 “Rejection of Claims,” subsection III, “PATENTABLE SUBJECT MATTER DISCLOSED BUT NOT CLAIMED” provides in pertinent part that

If **the examiner** is satisfied after the search has been completed that patentable subject matter has been disclosed and the record indicates that the applicant intends to claim such subject matter, he or she **may note** in the Office action that **certain aspects or features** of the patentable invention have not been claimed and that if properly claimed such claims **may be given favorable consideration**.
(emphasis added.)

The applicants believe that the written description of the present application is quite different than and not suggest by any reference of record. Accordingly, should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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